

1 It was spelled out.

2 THE CHAIRMAN: I may be wrong about that.

3 JUDGE CARTER: Unless it be spelled out in the  
4 amendment.

5 JUDGE BRUNE: I don't want to interrupt, but  
6 my recollection is that the constitutional amendment  
7 now pending providing for the intermediate appellate  
8 court does set up judicial, but provides that may be  
9 changed by the Legislature. I may be in error.

10 MR. ENEY: That, in effect, is what this does.

11 JUDGE CARTER: This leaves it wide open. This  
12 is only one voice. I am diametrically opposed to that  
13 sort of proposition.

14 MR. ENEY: My point is that is exactly what  
15 is happening under the constitutional amendment with res-  
16 pect to the court.

17 JUDGE CARTER: Why put it in there at all? If  
18 you are not going to write some safeguards in the Consti-  
19 tution, that secures representation on a territorial  
20 basis, at least to some extent, why put it in there at  
21 all? You have got a Legislature that is predominantly